

## Message Text

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44

ACTION SCI-06

INFO OCT-01 EUR-25 IO-13 ISO-00 ACDA-19 CIAE-00 INR-10

L-03 NSAE-00 NSC-10 RSC-01 SCEM-02 AF-10 ARA-16 EA-11

NEA-10 SS-15 DRC-01 /153 W

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R 171022Z SEP 73

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3392

INFO AMEMBASSY OTTAWA

AEC GERMANTOWN

LIMITED OFFICIAL USE IAEA VIENNA 7645

E. O. 11652: N/A

TAGS: PARN, IAEA

SUBJECT: IAEA BOARD SEPTEMBER 14: PROPOSALS ON DURATION  
AND TERMINATION OF IAEA SAFEGUARDS AGREEMENTS POSTPONED

REF:

SUMMARY. IAEA BOARD AGREED BY CONSENSUS POSTPONE UNTIL NEXT FEBRUARY ITS CONSIDERATION OF REQUIRING FUTURE SAFEGUARDS AGREEMENTS WITH NON-PARTIES TO NPT TO CONTAIN STRICTER PROVISIONS WITH REGARD TO DURATION AND TERMINATION OF SAFEGUARDS. POSTPONEMENT DUE TO LACK OF INSTRUCTIONS OF SOME BOARD MEMBERS AND TO FRENCH DESIRE TO BLOCK TEMPORARILY WHAT FRENCH GOVT. KNOWS IT CANNOT AND SHOULD NOT BLOCK INDEFINITELY.

1. NINETY-MINUTE DEBATE ON GOV/1621 BY IAEA BOARD AT ITS SEPTEMBER 14 MEETING REVEALED NO GOVERNOR WHO WOULD ATTACK CONCEPTS CONTAINED IN PAPER AS UNREASONABLE OR INAPPROPRIATE FOR INCLUSION IN FUTURE SAFEGUARDS AGREEMENTS. HOWEVER, FRANCE AND LDGS (ZAIRO, INDIA, INDONESIA, EGYPT, MEXICO, COLOMBIA, ARGENTINA, AND BRAZIL) QUESTIONED NEED TO MAKE CONCEPTS OBLIGATORY, RAISED EYEBROWS AT PAPER'S OPENING STATEMENT THAT IT SUBMITTED TO BOARD AT URGING OF "SUBSTANTIAL NUMBER OF GOVERNORS", AND COMPLAINED THAT

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TIME SINCE PAPER'S CIRCULATION ON AUGUST 20 HAD BEEN INSUFFICIENT

FOR THEM TO STUDY IT OR OBTAIN INSTRUCTIONS FROM GOVERNMENTS.

2. PERHAPS PARTLY DUE TO OUR EFFORTS, DG PERSONALLY PRESENTED GOV/1621 TO BOARD (RATHER THAN OMITTING ANY PRESENTATION BY SECRETARIAT) AND HIS REMARKS LEFT A SOMEWHAT CLEARER IMPRESSION OF SUPPORT OF THE PAPER BY THE SECRETARIAT THAN DOES PAPER ITSELF. HE WAS FOLLOWED BY FRANCE (GOLDSCHMIDT), WHO SAID CONCEPTS ARE NOT RPT NOT UNREASONABLE, ALTHOUGH THEY WILL HAVE EFFECT OF PERPETUITY OF SAFEGUARDS (FOR ANY COUNTRY SIGNING AGREEMENT CONTAINING NEW CONCEPTS) AND THEREFORE OF FORCING AWAY FROM THE AGENCY SOME COUNTRIES THAT MIGHT OTHERWISE HAVE ENTERED INTO AGREEMENTS WITH IT. HOWEVER, OBLIGATORY CHARACTER OF CONCEPTS AND MANNER IN WHICH THEY HAD BEEN DRAWN UP - AS RESULT PRESSURE BY CERTAIN GOVERNORS - WERE UNACCEPTABLE TO FRANCE. ZAIRE ASSOCIATED ITSELF WHOLEHEARTEDLY WITH FRENCH POSITION.

3. US (PORTER) SAID FRENCH REMARKS WERE CLEAR, UNDERSTANDABLE, AND TO BE EXPECTED. HE WAS GLAD TO HEAR THAT THERE WAS NO OBJECTION TO SUBSTANCE OF CONCEPTS, NOTING THAT SECRETARIAT HAD FOUND ITSLELF IN DIFFICULT POSITION IN PAST WITH RESPECT TO UNILATERAL SUBMISSIONS BECAUSE OF LACK OF CONSENSUS WITH RESPECT TO APPROPRIATE PROVISIONS. HE EXPLAINED INTENT AND EFFECT OF CONCEPTS AND POINTED OUT THAT NO STATE, EXCEPT THOSE PARTY TO NPT, WAS OBLIGED TO ENTER INTO SAFEGUARDS AGREEMENT WITH IAEA. IF STATE FREELY CHOOSE TO DO SO, HOWEVER, IAEA SHOULD SURELY KNOW ITS OWN MIND WITH RESPECT TO PROVISIONS SUCH AGREEMENTS SHOULD INCLUDE.

4. INDIA (JAIPAL) SAID IT WAS NOT GOOD PRACTICE FOR INDIVIDUAL GOVERNORS TO URGE DG TO ACT IN PARTICULAR MANNER; ONLY BOARD AS WHOLE COULD INSTRUCT DG. HE WANTED TO REGISTER HIS UNHAPPINESS AT WAY PAPER WAS PRODUCED. AS TO SUBSTANCE, INDIA WAS NOT NEGATIVE, SINCE CONCEPTS APPLIED TO NEW AGREEMTNs ONLY. HE THOUGHT IT UNNECESSARY FOR THEN TO BE MANDATORY, HOWEVER, AND SAID PAPER NEEDED FURTHER STUDY AND CONSULTATIONS.

5. INDONESIA AND EGYPT ECHOED INDIAN POSITION. UK SUPPORTED US, DRAWING ATTENTION TO ARTICLE XII.A.5 OF STATUTE, WHICH PROVIDES IAEA SHALL HAVE RIGHT AND RESPONSIBILITY TO REQUIRE THAT NUCLEAR MATERIALS COVERED BY AGREEMENTS WITH IT BE SUBJECT TO CONTINUING SAFEGUARDS. FRG (UNGERER) THEN GAVE GAVE AWAY, AT END OF SPEECH LIMITED OFFICIAL USE

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WHICH SUPPORTED PAPER, BY ADMITTING THAT MATTER WAS COMPLEX AND NEEDED STUDY IN CAPITALS AND HE WOULD NOT OPPOSE POSTPONEMENT SOUGHT BY INDIA. PARADE OF LDCS THEN ADVOCATED POSTPONEMENT, AND CANADA, WHILE SUPPORTING THIS "SOUND AND REASONABLE SOLUTION", HAD NO CHOICE BUT TO SAY THAT IF CONSIDERATION POSPONED IT NOT BE BEYOND FEBRUARY BOARD. USSR AND POLAND STRONGLY SUPPORTED PAPER AND SAID THEY SAW NO NEED TO POSTPONE, BUT CONSENSUS WAS ALREADY CLEAR.

6. US THEN SAID IT COULD AGREE TO POSTPONEMENT ON THREE CONDITIONS:  
(A) THAT GOV/1621 BE CONSIDERED NOT LATER THAN FEBRUARY 1974 MEETING  
OF BOARD; (B) THAT IT TAKE PRECEDENCE OVER ANY OTHER SAFEGUARDS  
ITEMS COMING BEFORE THE BOARD (E.E., NO NEW AGREEMENTS OF THE  
ATUCHA TYPE CAN BE APPROVED WHILE 1621 IN ABEYANCE); AND (C) THAT  
SECRETARIAT TAKE BOARD'S DELIBERATIONS, PARTICULARLY LACK OF  
OPPOSITION TO SUBSTANCE OF 1621, INTO ACCOUNT IN ANY NEGOTIATIONS  
WITH NON-PARTIES TO NPT WHICH MIGHT BE NECESSARY BETWEEN NOW AND  
FEBRUARY. AFTER NEGOTIATION DURING LUNCH HOUR ON PRECISE WORDING OF  
CHAIRMAN'S SUMMING UP, THREE CONDITIONS WERE AGREED TO.

7. COMMENT. INDIANS AND INDONESIANS WERE GRATEFUL FOR POSTPONEMENT WHICH WILL ALLOW THEIR CAPITALS ADEQUATE TIME FOR STUDY. GOLDSCHMIDT TOLD US PRIVATELY FRENCH INTEREST WAS PRIMARILY IN GETTING ITS POSITION OF PRINCIPLE ON RECORD, AND HE (LIKE INDONESIA) PREDICTED BOARD WILL APPROVE PAPER IN FEBRUARY. WHILE WE CLEARLY HAVE WORK CUT OUT FOR US IN EDUCATING NEW AND LARGER BOARD BETWEEN NOW AND FEBRUARY, WE ARE CAUTIOUSLY OPTIMISTIC THAT ACCEPTANCE OF PAPER'S CONCEPTS CAN BE BROADENED INTO CONSENSUS IN FAVOR OF INSTRUCTING AGENCY'S NEGOTIATORS TO INSIST UPON THEM. CANACA, WHOSE INTEREST IN SIGNING CONTRACT FOR NEW ARGENTINE REACTOR HAD MOTIVATED URGENT SUBMISSION OF 1621 TO THE BOARD, TOLD US THEY WERE SATISFIED WITH OUTCOME AND FELT THEIR INTERESTS PROTECTED BY CONDITIONS WE HAD ATTACHED. TAPE

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NUCLEAR AGREEMENTS, NPT, COMMITTEE MEETINGS, NUCLEAR SAFEGUARDS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 SEP 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** elyme  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
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**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730931/aaaaawfq.tel  
**Line Count:** 141  
**Locator:** TEXT ON-LINE  
**Office:** ACTION SCI  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** elyme  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 28 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <28-Aug-2001 by elyme>; APPROVED <13-Sep-2001 by elyme>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IAEA BOARD SEPTEMBER 14: PROPOSALS ON DURATION AND TERMINATION OF IAEA SAFEGUARDS AGREEMENTS POSTPONED  
**TAGS:** PARM, IAEA  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005